

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.MC.No. 2432 of 2007()

CC.944/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

PETITIONER: ACCUSED 1 TO 4:

1. UNNIKRISHNAN, AGED 41,
S/O. PABHAKARAN, KARUVANGATTIL HOUSE,
MANALLOOR DESOM, MANALLOOR VILLAGE, THRISSUR DIST.
2. KUMARI, AGED 42,
W/O. PAVITHRAN, KARUVANGATTIL HOUSE,
MANLOOR DESOM, MANALLOOR VILLAGE, THRISSUR DIST.
3. DINESAN, AGED 36,
S/O. VASU, KARANATH HOUSE, MANLOOR DESOM,
MANALLOOR VILLAGE, THRISSUR DIST.
4. BABU, AGED 37,
S/O. VELAYUDHAN, THODUVEETIL HOUSE,
MANLOOR DESOM, MANALLOOR VILLAGE, THRISSUR DIST.

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS: COMPLAINANT/STATE:

1. LATHA, AGED 36,
D/O. KUMARAN, CHAKKA MADATHIL HOUSE, KARIKODI DESOM
KANDASAMKADAVU, KARAMUKKU VILLAGE, THRISSUR DIST.
2. S.I. OF POLICE,
ANTHIKKAD POLICE STATION, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY P.P. SRI.GIKKU JACOB.
BY ADV. SRI.SUNNY XAVIER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2432 OF 2007

Dated this the 30th day of July, 2007

ORDER

The petitioners are accused in a crime registered, inter alia, under Sec.498A of the IPC. The crime has been registered on the basis of a complaint filed before the learned Magistrate by the de facto complainant and forwarded to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. The 1st accused/1st petitioner is the husband of the de facto complainant i.e., the 1st respondent herein. Petitioners 2, 3 and 4/accused 2, 3 and 4 are the sister-in-law and neighbours respectively of the 1st accused. Investigation was completed, final report was filed and cognizance has been taken by the learned Magistrate. The petitioners as well as the 1st respondent have now come before this Court with a request that the proceedings initiated by the de facto complainant against the petitioners may now be quashed

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invoking the powers under Sec.482 of the Cr.P.C.

2. What is the reason? The 1st respondent has entered appearance before Court. She is represented by a counsel. The petitioners and the 1st respondent/complainant have filed a joint statement duly countersigned by their respective counsel to apprise this Court of the fact that the disputes have been settled and the alleged offences committed by the petitioners have been compounded by the 1st respondent/complainant. I am satisfied from the averments in the petition and in the joint statement and the submissions made at the Bar that the parties have willingly and voluntarily settled their disputes and the 1st respondent has compounded the offences allegedly committed by the petitioners. The submissions reveal that the 1st petitioner and the 1st respondent have settled their disputes and have started harmonious cohabitation. I am satisfied that if the settlement and the composition is legally acceptable, the same can be accepted and premature termination of the proceedings can be brought about. But the offence punishable under Sec.498A of the IPC is not compoundable. The learned counsel for the petitioners, in these circumstances, rightly relies on the decision in **B.S. Joshy v. State of Haryana** (AIR 2003 SC 1386). That decision is authority for the proposition that the interests of

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justice may at times transcend the interests of mere law and in such exceptional cases powers under Sec.482 of the Cr.P.C. can be invoked and Sec.320 of the Cr.P.C. cannot be a fetter to the invocation of such power.

5. This, I am satisfied, is an eminently fit case where the harmonious settlement of the disputes between the spouses can be accepted and the proceedings brought to premature termination.

6. In the result:

(i) This Crl.M.C. is allowed.

(ii) C.C.No.944/06 pending before the Judicial Magistrate of the First Class-II, Thrissur, against the petitioners is hereby quashed.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge

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